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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL BISCH, an individual,

Plaintiff,

VS.

COUNTY OF YOLO, CALIFORNIA, a public corporation; CITY OF WEST SACRAMENTO, a public corporation; CITY OF DAVIS, a public corporation; CITY OF WOODLAND, a public corporation; ANGEL BARAJAS, an individual; OSCAR VILLEGRAS, an individual; CHAD RINDE, an individual; AARON LAUREL, an individual; KEN HIATT, an individual; MICHAEL WEBB, an individual; DONALD SAYLOR, an individual; and DOES 1 through 50, inclusive.

Case No.: 2:23-cv-00455-MCE-DB

SEVENTH JOINT STATUS REPORT

Defendants.

1 **JOINT STATUS REPORT**

2 Pursuant to this Court's Minute Order entered on October 20, 2023 (ECF Dkt. No. 22),
3 Plaintiff and Defendants hereby submit the following Seventh Joint Status Report to the Court.

4 **I. Plaintiff's Report**

5 Plaintiff's Report is divided into two sections. **Section A** summarizes events since the last
6 report, and **Section B** summarizes Plaintiff's recommendations as to next steps upon lifting of the
7 stay.

8 **A. Events Since Last Status Report:**

9 The following events have occurred in the state court matter since the filing of the last Status
10 Report on April 19, 2024 (Dkt. No. 30):

11 1. Yolo Superior Court Judge Samuel McAdam issued an order on the question of sanctions
12 against Michael Indrajana and Sanjiv Singh, on the issue of the discovery motion, and the
13 issue of the confidentiality of the Zoom recording of the April 27, 2022 Board Meeting.

14 The order was issued on May 6, 2024 and mailed to the parties by U.S. Mail (i.e. it was
15 not electronically issued.) It:

16 a. Denied sanctions against Michael Indrajana and Sanjiv Singh concluding that the
17 imposition of sanctions would be unjust.

18 b. Denied the discovery motion, but the parties had agreed to narrow issues prior to
19 the hearing before Judge McAdams (at the request and instruction of Judge
20 McAdams to try to do so.) Yolo Food Bank essentially changed its position and
21 is allowing the Zoom recording to be used at depositions and the issue of the
22 legality is being tabled. It therefore can now be used in this matter without threat
23 of sanctions against Mr. Singh and Mr. Indrajana.

24 c. Denied the motion to provisionally seal the Zoom recording and did not
25 adjudicate on the ultimate issue of whether the recording should remain
26 confidential or not. This will not be a problem or impediment for discovery to
27 move forward in this matter because the Zoom recording can be filed under seal
28 until the ultimate issue of confidentiality is adjudicated in state court or federal
court.

- 1 d. Did not exercise any sua sponte authority in connection with the allegation of the
2 altered text messages and prima facie evidence presented to the state court as
3 such.
- 4 2. There are now material questions, in view of the Verified Statement filed by Plaintiff
5 Bisch and his counsel against Judge David Rosenberg, as to what happened in the Yolo
6 County Superior Court of California in connection with the state court case and prior to
7 that case dating back all the way to March 2022. Claims regarding the events in the court
8 system were submitted on April 22, 2024 as part of administrative complaints filed by
9 Mr. Singh, Mr. Indrajana, and Mr. Bisch; the complaints were apparently forwarded to
10 the Judicial Council. The Council did not contact Mr. Singh, Mr. Indrajana, or Mr. Bisch
11 as to what each of them experienced in the Yolo County Superior Court, and instead
12 issued rapidly a summary rejection of all complaints, without details, on May 6, 2024.
13 The Judicial Council rejected the complaint through a nonspecific rejection without any
14 material details on or about the same day that Judge Macadams issued his order and sent
15 the rejection by U.S. Mail to Mr. Singh, Mr. Indrajana and Mr. Bisch. Mr. Bisch, Mr.
16 Singh, and Mr. Indrajana are currently considering next steps in connection with these
17 issues. Any issues in connection with this administrative complaint will not impede this
18 Court in its decision to reopen the case and discovery. If future investigation reveals
19 actions by the state court or any of its agents which are alleged to have deprived Michael
20 Bisch and/or his counsel of due process, there will likely be a related federal court case
21 that will have to be filed. (Shortly after the filing of the administrative complaint, Mr.
22 Singh, Mr. Indrajana and Mr. Bisch issued a public records request to investigate the
23 events that transpired with Judge Rosenberg and the parties in the state court case; the
24 request was summarily denied based on Yolo County's position that they are not required
 to disclose documents when there is a pending complaint.)

25 **B. Plaintiff's Recommendations for Next Steps Upon Lifting Of Stay:**

26 It is reasonably anticipated that this Court will lift the stay upon receipt and understanding of
27 the contents of this Joint Status Report. Plaintiff believes that the parties should meet and confer as
28 to next steps for discovery and appropriate Rule 26 disclosures. Defendants had resisted the

1 commencement of discovery when they filed their first motions to strike which were dismissed
2 without prejudice, but then took the position that Plaintiff was somehow tying their hands with the
3 stay—which stay was ordered *sua sponte* by this Court (Dkt. No. 21), not by motion of Plaintiff. As
4 such, Plaintiff should be able to move forward with the normal course of discovery in federal court.
5 Defendants should not be allowed to simply refile motions to strike and then request a hold on
6 discovery while the motions are pending (which is precisely what Defendants’ counsel did before).
7 If Defendants choose to simply refile their motions, Plaintiff believes it is inappropriate but, in such
8 event, it should be clarified for Defendants that they should have to move forward with responding
9 to required discovery regardless of their decision to immediately file motions to strike upon lifting of
10 the stay. Plaintiff still questions how Defendants could simply refile such motions in good faith but
leaves that issue for another day.

II. Defendants' Comment/Response

Defendants concur with a release of the stay.

Defendants dispute Plaintiff's representation as to Defendants' prior position on discovery. The anti-SLAPP motion does not stay discovery in federal proceedings as it does in state court. However, any extensive discovery prior to the resolution of Defendants' challenge to the pleadings is likely to be a waste of resources as the scope of the action remains unclear. Defendants anticipate refiling its motions once the stay is lifted.

Dated: May 20, 2024

Respectfully Submitted,

**SANJIV N. SINGH, A PROFESSIONAL LAW
CORPORATION**

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Sanjiv N. Singh

Attorneys for Plaintiff Michael Bisch

INDRAJANA LAW GROUP, A PROFESSIONAL CORPORATION

By: /s/ Michael B. Indrajana
Michael B. Indrajana

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